

ME
14 May 1975

George:

I thought a summary of laws regarding construction on Diego Garcia might be helpful to you in connection with the LIG meeting, and just for general knowledge.

CHRONOLOGY OF DIEGO GARCIA

Title II, Section 201, of P. L. 93-552, Fiscal '75 Military Construction Authorization bill, authorized \$14,802,000 for construction of a Naval Communications Facility, Diego Garcia, Chagos Archipelago. Title VI, Section 613, of the bill restricted the use of these funds by providing that none of the funds authorized for Diego Garcia military construction may be obligated unless the President advises the Congress that all military and foreign policy implications regarding the need for U. S. facilities at Diego Garcia have been evaluated and certifies that the construction of such project is essential to the national interest of the United States. As you know, the President wrote Congress on May 12th, citing his evaluation of relevant implications and certifying the need for Diego Garcia construction, consistent with Section 613.

Section 613 further provides that none of the funds authorized may be obligated if either house of Congress has adopted within sixty days of continuous session after receipt of the certification a resolution disapproving the project.

The Section goes on to define a "continuous session;" establishes the language of an appropriate resolution; states that such resolution will be referred to the Committee on Armed Services of the Senate; provides that the resolution can be discharged from the Armed Services Committee

under stated conditions if they have not reported it within twenty days of referral; and establishes rules for floor debate designed to eliminate the prospect of a filibuster.

P. L. 93-636, Fiscal '75 Military Construction Appropriations Act, appropriated \$606,376,000 for "Military Construction, Navy," "as currently authorized in military construction acts." No specific mention was made of Diego Garcia.

Don

December 27, 1974

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Pub. Law 93-552

88 STAT. 1751

EUROPEAN AREA

Naval Security Group Activity, Edzell, Scotland, \$571,000.
Naval Activities Detachment, Holy Loch, Scotland, \$1,188,000.

INDIAN OCEAN AREA

Naval Communications Facility, Diego Garcia, Chagos Archipelago, \$14,802,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands, \$355,000.
Naval Ship Repair Facility, Guam, Mariana Islands, \$1,782,000.
Navy Public Works Center, Guam, Mariana Islands, \$907,000.
Naval Air Station, Cubi Point, Republic of the Philippines, \$2,873,000.
Naval Station, Subic Bay, Republic of the Philippines, \$3,741,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, \$1,039,000.
Various Locations, Water Pollution Abatement, \$4,038,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the fiscal year 1976 Military Construction Authorization Act, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Emergency construction.

Congressional committees, notification.

Authorization expiration.

SEC. 203. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

82 Stat. 373.

With respect to "Naval Academy, Annapolis, Maryland," strike out "\$2,000,000" and insert in place thereof "\$1,391,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (2) of section 802 "\$241,668,000" and "\$248,533,000" and inserting in place thereof "\$244,059,000" and "\$250,924,000", respectively.

87 Stat. 669.

SEC. 204. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

84 Stat. 1210.

With respect to "Naval Air Rework Facility, Jacksonville, Florida," strike out "\$3,869,000" and insert in place thereof "\$1,534,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (2) of section 602 "\$247,204,000" and "\$274,342,000" and inserting in place thereof "\$247,869,000" and "\$275,007,000", respectively.

87 Stat. 669.

88 STAT. 1766

Report to
Congress.
Diego Garcia,
construction
funds, require-
ments.

ance shall be returned to the Treasury as miscellaneous receipts. The Secretary of each military department shall make an annual report to Congress on the operation of the program.

SEC. 613. (a) None of the funds authorized to be appropriated by this Act with respect to any construction project at Diego Garcia may be obligated unless—

(1) the President has (A) advised the Congress in writing that all military and foreign policy implications regarding the need for United States facilities at Diego Garcia have been evaluated by him, and (B) certified to the Congress in writing that the construction of any such project is essential to the national interest of the United States;

(2) 60 days of continuous session of the Congress have expired following the date on which certification with respect to such project is received by the Congress, and

(3) neither House of Congress has adopted, within such 60-day period, a resolution disapproving such project.

(b) (1) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

"Resolution."

(2) For purposes of this section, "resolution" means a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not approve the proposed construction project on the island of Diego Garcia, the need for which was certified to by the President and the certification with respect to which was received by the _____ on _____", the first and second blanks being filled with the name of the resolving House and the third blank being filled with the appropriate date.

(c) Subsections (d), (e), and (f) of this section are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection (b)

(2) of this section; and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) A resolution with respect to a proposed construction project of the island of Diego Garcia shall be referred to the Committee on Armed Services of the Senate.

(e) (1) If the Committee on Armed Services of the Senate to which a resolution with respect to a proposed construction project on the island of Diego Garcia has been referred has not reported such resolution at the end of 20 calendar days after its introduction, not counting any day which is excluded under subsection (b) (1) of this section, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same proposed construction project which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution of disapproval with respect to the same proposed construction project.

(2) A motion to discharge under paragraph (1) of this subsection may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be

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Pub. Law 93-552

88 STAT. 1767

divided equally between those favoring and those opposing the resolution, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) (1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

Sec. 614. (a) The Secretary of the Army is authorized to convey, without monetary consideration, to the Ozark Public Building Authority, an agency of the city of Ozark, Alabama, all right, title, and interest of the United States in and to the land described in subsection (b) for use as a permanent site for the museum referred to in subsection (c), and subject to the conditions described therein.

(b) The land authorized to be conveyed to the Ozark Public Building Authority as provided in subsection (a) is described as follows: All that tract or parcel of land lying and being in sections 13 and 24, range 23 east, township 5 north, Saint Stephens Meridian, Dale County, Alabama, more particularly described as follows:

Beginning at a point which is 216.0 feet north 89 degrees 57 minutes west of the northeast corner of the southwest quarter of the northeast quarter of said section 24, on the western right-of-way line of Alabama State Highway Numbered 249, and on the boundary of a tract of land owned by the United States of America at Fort Rucker Military Reservation;

thence north 25 degrees 07 minutes east along the western right-of-way line of said highway, which is along the boundary of said United States tract, 1,395 feet;

thence north 64 degrees 53 minutes west 700 feet; thence south 25 degrees 07 minutes west 2,800 feet; thence south 64 degrees 53 minutes east 700 feet, more or less, to a point which is on the western right-of-way line of said highway and on the boundary of said United States tract;

thence north 25 degrees 07 minutes east along the western right-of-way line of said highway, which is along the boundary of said United States tract, 1,405 feet, more or less, to the point of beginning, containing 45.00 acres, more or less.

(c) The conveyance provided for by the subsection (a) shall be subject to the condition that the real property so conveyed shall be used as a permanent site for a museum to display suitable public exhibits of the United States Army aviation equipment and allied subjects and

Ozark Public
Building Authori-
ty, Ozark, Ala.,
land conveyance.

Description.

Conditions.



Public Law 93-636
93rd Congress, H. R. 17468
January 3, 1975

LEGISLATIVE COUNSEL
FILE COPY

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1975, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military
Construction
Appropriation
Act, 1975.

88 STAT. 2179
88 STAT. 2180

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$656,825,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$606,376,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$456,439,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$31,260,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

May 12, 1975

May 12, 1975

present
the Dis-
by from

[From the Alexandria, Va., Gazette

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PACKARD ASKS LEGISLATORS TO AID IN LORTON FIGHT

(By William E. Black)

Chairman Jean R. Packard of the Fairfax County Board of Supervisors today called on Northern Virginia's legislative delegation for help in stopping the expenditure of \$55 million on the Lorton Reformatory.

"I asked them to use whatever influence they could to make sure these funds will be spent within the District and not in Fairfax County," said Mrs. Packard. "I'm sure the other members of the board will go along with whatever legal means is necessary to stop the District of Columbia government from increasing the problems at Lorton by spending more money."

Springfield Supervisor Jack Herrity said he agreed with Chairman Packard.

"We've got to take legal action. Probably we should ask that the District government be enjoined from spending these funds until our current lawsuit over the matter is settled," said Herrity.

Lorton is a prison facility that holds prisoners sentenced from District of Columbia courts. The prison has been a point of controversy for several years since it is operated outside the confines of its own jurisdiction.

Mayor Walter E. Washington and the District government have earmarked \$55 million in the coming year's budget to modernize the facility and improve security.

"But we don't want that," said Mrs. Packard. "We want the facility moved out of Fairfax County as soon as possible and if the district government goes ahead and spends another \$55 million on it, then we'll just have a more difficult time later on getting rid of it."

Mrs. Packard said Fairfax County officials are sick and tired of getting "nothing but lip service from District government officials over the Lorton situation."

"It's time they realize we want them to operate their jail system within their own borders," said Mrs. Packard. "The people of Fairfax County are just fed up with Lorton."

MAY 12, 1975.

Hon. THOMAS F. EAGLETON,
Chairman, District of Columbia Committee,
U.S. Senate.

MY DEAR MR. CHAIRMAN: For two years now, officials of Fairfax County, Virginia, have attempted to negotiate with the District of Columbia Government, a reasonable solution to the problem of the location of the District of Columbia correctional facility within Fairfax County at Lorton.

The apparent futility of these negotiations was underscored last week, when District of Columbia Mayor Washington, without prior consultation with Fairfax County, proposed to expend \$55 million in tax funds, to upgrade and expand the District of Columbia's Lorton prison.

I am informed that most of the \$55 million will come from previously authorized but unspent federal tax funds.

This \$55 million proposal for a massive renovation and expansion of the Lorton prison facility, is strenuously opposed by Fairfax County.

Additionally, Fairfax County, in January, asked the District of Columbia to examine:

(1) Whether or not land is available in the District of Columbia for either a complex similar to Lorton, or for several community-based facilities.

(2) Type of community-based facilities needed to replace Lorton.

(4) The economic feasibility of a phaseout. To date, these points remain unanswered.

The existence of a local jurisdiction's prison facilities within the borders of another state and against that state's will, is unprecedented and unconscionable.

A resolution of this controversy must be achieved.

I request your committee to give this matter careful and immediate attention, with a view toward holding public hearings to afford the citizens of my state every opportunity to express their concerns and proposed solutions.

With best wishes, I am
Sincerely,

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ABUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

U.S. FACILITIES AT DIEGO GARCIA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ABUREZK), laid before the Senate the following message from the President of the United States regarding the need for U.S. facilities at Diego Garcia, which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 613(a) (1) (A) of the Military Construction Authorization Act, 1975 (Public Law 93-552), I have evaluated all the military and foreign policy implications regarding the need for United States facilities at Diego Garcia. On the basis of this evaluation and in accordance with section 613(a) (1) (B), I hereby certify that the construction of such facilities is essential to the national interest of the United States.

GERALD R. FORD

THE WHITE HOUSE, May 12, 1975.

MESSAGE FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (H.R. 6209) to prohibit the Federal Home Loan Bank Board from permitting Federal savings and loan associations to offer loans secured by one to four homes or dwellings with variable interest rates.

requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ABUREZK) laid before the Senate the following letters, which were referred as indicated:

PROPOSED APPROPRIATION LANGUAGE CHANGE TO INCREASE LIMITATION ON TRAVEL FOR STAFF OF THE VICE PRESIDENT—(S. Doc. 94-51)

A communication from the President of the United States transmitting a proposed appropriation language change for the fiscal year 1975 increasing by \$10,000 the limitation on travel for staff of the Vice President (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION FOR THE GENERAL SERVICES ADMINISTRATION—(S. Doc. 94-52)

A communication from the President of the United States transmitting a proposed supplemental appropriation in the amount of \$65 million for the fiscal year 1975 for the General Services Administration (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development transmitting, pursuant to law, the annual report on financial and technical assistance provided by their departments in fiscal year 1974 for nonmetropolitan planning districts (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States stating that a final report on the program administered by the Food and Nutrition Service of the Department of Agriculture will be submitted to Congress on or about November 1, 1975; to the Committee on Agriculture and Forestry.

APPROVAL OF LOAN BY THE RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Acting Administrator of the Rural Electrification Administration reporting, pursuant to law, on the approval of a commitment to guarantee a non-REA loan in the amount of \$10 million to Associated Electric Cooperative, Inc., of Springfield, Missouri; to the Committee on Appropriations.

SOIL SURVEY BY THE DEPARTMENT OF THE INTERIOR

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a memorandum from the Bureau of Reclamation showing the basis of a certification of a soil survey and land classification of the lands in the Llano Uplift Arriba Division, San Juan-Chama Project (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during March 1975 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE DEPARTMENT OF STATE

A letter from the Assistant Secretary of State transmitting, pursuant to law, a report showing assistance related funds obligated